IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1231 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HARSHADBHAI M PATEL - Petitioner(s)
Versus
DISTRICT PRIMARY EDUCATION OFFICER & 2 - Respondent(s)

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Appearance :
MR SP HASURKAR for Petitioner(s) : 1,
MR DC DAVE for Respondent(s) : 1,
NOTICE SERVED BY DS for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 03/05/2006

ORAL JUDGMENT

The present petition is directed against the suspension order dated 6th December 1996. The same was passed against the petitioner pending departmental inquiry. By now, the issue regarding suspension of the

petitioner would have become infructuous. In fact, learned advocate Shri Hasurkar for the petitioner also submits that to his recollection, the petitioner had conveyed to him orally that he has since been reinstated. Therefore, no useful purpose would be served in examining the legality of the suspension order. The petition is therefore disposed of as having become infructuous.

Learned advocate Shri Hasurkar, however, submitted that at the relevant time the petitioner was not even paid the subsistence allowance. If such issue is still outstanding, it will be open for the petitioner to take up the same with the Authorities or urge the same before the competent Court in accordance with law.

Subject to the above observations, the petition is disposed of. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)